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13 Attorneys for Defendant ARISTA NETWORKS, INC.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 CISCO SYSTEMS, INC.,

18 Plaintiff,

19 v.

20 ARISTA NETWORKS, INC.,

21 Defendant.
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Case No. 5:14-cv-05344-BLF (NC)

**DEFENDANT ARISTA NETWORKS,
INC.'S ADMINISTRATIVE MOTION TO
FILE DOCUMENTS UNDER SEAL IN
CONNECTION WITH ARISTA'S
MOTION TO STRIKE EXPERT
OPINIONS AND TESTIMONY OF
DR. JUDITH A. CHEVALIER**

23 Judge: Hon. Beth Labson Freeman

24 Date Filed: December 5, 2014

25 Trial Date: November 21, 2016
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Pursuant to the Northern District of California's Civil Local Rules 7-11 and 79-5(d)-(e), Defendant Arista Networks, Inc. respectfully submits this administrative motion to file under seal documents and information filed in connection with Arista's Motion to Strike Expert Opinions and Testimony of Dr. Judith A. Chevalier.

Arista requests an order granting its motion to seal the following documents:

Document	Portions of Document to be Sealed	Parties Claiming Confidentiality
Arista's Motion to Strike Expert Opinions and Testimony of Dr. Judith A. Chevalier	Highlighted Portions	<i>Arista</i> <i>Cisco</i>
Exhibit A to the Declaration of Elizabeth K. McCloskey in Support of Arista's Motion to Strike Expert Opinions and Testimony of Dr. Judith A. Chevalier ("Exhibit A")	Entire	<i>Arista</i> <i>Cisco</i>
Exhibit B to the Declaration of Elizabeth K. McCloskey in Support of Arista's Motion to Strike Expert Opinions and Testimony of Dr. Judith A. Chevalier ("Exhibit B")	Entire	<i>Cisco</i>
Exhibit C to the Declaration of Elizabeth K. McCloskey in Support of Arista's Motion to Strike Expert Opinions and Testimony of Dr. Judith A. Chevalier ("Exhibit C")	Entire	<i>Arista</i>
Exhibit D to the Declaration of Elizabeth K. McCloskey in Support of Arista's Motion to Strike Expert Opinions and Testimony of	Highlighted Portions	<i>Arista</i>

Document	Portions of Document to be Sealed	Parties Claiming Confidentiality
Dr. Judith A. Chevalier (“Exhibit D”)		
Exhibit E to the Declaration of Elizabeth K. McCloskey in Support of Arista’s Motion to Strike Expert Opinions and Testimony of Dr. Judith A. Chevalier (“Exhibit E”)	Entire	<i>Arista</i> <i>Cisco</i>
Exhibit F to the Declaration of Elizabeth K. McCloskey in Support of Arista’s Motion to Strike Expert Opinions and Testimony of Dr. Judith A. Chevalier (“Exhibit F”)	Entire	<i>Arista</i>

Arista’s Motion to Strike Expert Opinions and Testimony of Dr. Judith A. Chevalier is a non-dispositive motion. In the context of non-dispositive motions, the materials may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, that the document is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

For the portions of the foregoing exhibits that Arista seeks to file under seal, Arista has established good cause to seal those materials through the Declaration of David J. Rosen in Support of Arista’s Administrative Motion to File Under Seal, which is being filed contemporaneously herewith. Also filed concurrently with this Motion are redacted and

1 highlighted versions of the above-referenced documents indicating the specific portions of the
2 documents that Arista is submitting under seal.

3 To the extent that Arista has not sought to seal Arista-related material, Arista takes no
4 position on whether the Cisco-designated portions of any of the foregoing documents should be
5 filed under seal. For those portions of the materials submitted under seal, Arista files this
6 administrative motion only to afford Cisco the opportunity to defend its confidentiality
7 designations as provided by Civil Local Rule 79-5(e).

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9 Dated: August 5, 2016

KEKER & VAN NEST LLP

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11 By: /s/ David J. Rosen
12 DAVID J. ROSEN

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14 Attorney for Defendant
15 ARISTA NETWORKS, INC.
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